

SCOTT N. SCHOOLS (SC 9990)  
United States Attorney

MARK L. KROTOSKI (CABN 138549)  
Chief, Criminal Division

ERIC D. ROSEN (MDSB)  
Assistant United States Attorney

150 Almaden Blvd., Suite 900  
San Jose, California 95113  
Telephone: (408) 535-2695  
FAX: (408)535-5066  
[eric.d.rosen@usdoj.gov](mailto:eric.d.rosen@usdoj.gov)

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, ) No. CR 05-00763 JW  
Plaintiff, )  
v. )  
DARIO GONZALEZ-FAVELA, )  
Defendant. )  
\_\_\_\_\_  
STIPULATION CONTINUING  
HEARING DATE AND [PROPOSED]  
ORDER  
*James W. [Signature]*

**IT IS HEREBY STIPULATED AND AGREED**, by and between Scott N. Schools, United States Attorney, and Eric D. Rosen, Assistant United States Attorney, counsel for the United States of America, and Lara S. Vinnard, Assistant Federal Public Defender, counsel for defendant, that the hearing date currently scheduled for February 26, 2007 at 9:30 p.m., be vacated and continued to March 19, 2007 at 1:30 p.m., or to a date thereafter at the convenience of the Court.

This Stipulation is entered into for the following reasons:

1. The parties are continuing to investigate this matter to obtain additional information regarding Mr. Gonzalez-Favela's prior state sentence and its applicability to a

potential stipulated sentence in a possible disposition of this matter.

2. Counsel for the government will be out of the District on February 26.

The parties agree that time should be excluded under the Speedy Trial Act to allow time for effective preparation and investigation, 18 U.S.C. § 3161 et seq., and because the ends of justice outweigh the defendant's and the public's need for a speedy trial.

DATED this 21st day of February, 2007.

SCOTT N. SCHOOLS  
United States Attorney

2/21/07 \_\_\_\_\_  
DATE

LARA S. VINNARD /S/  
Assistant Federal Public Defender

2/21/07 \_\_\_\_\_  
DATE

## **[PROPOSED] ORDER**

The parties have jointly requested a continuation of the hearing set for February 26, 2007, to allow time to complete their investigations.

Accordingly, for good cause shown, the Court HEREBY ORDERS that the hearing date presently set for February 26, 2007, be continued to March 19, 2007, at 1:30 p.m., or to a date thereafter at the convenience of the Court.

Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time from February 26, 2007, to March 19, 2007, shall be excluded under the Speedy Trial Act. The Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny counsel reasonable time necessary for effective preparation, taking into

11

1 account the exercise of due diligence, and would result in a miscarriage of justice. The Court  
2 therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A)  
3 and (B)(iv).

4

5 SO ORDERED.

6

7 DATED: 2/22/2007

8

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

9

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28